

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARK J. PATNOD,
Petitioner,

v.

DAVID NOLAN,
Respondent.

Civil Action No. 04-10865-GAO

**MOTION TO ENLARGE THE TIME
FOR FILING A MEMORANDUM OF LAW**

The respondent in the above-captioned petition for writ of habeas corpus respectfully moves this Court to enlarge the time for filing a memorandum of law in opposition to the petition to November 6, 2006.

As grounds therefor the respondent's counsel states that she has been researching and drafting the memorandum but has been interrupted by other deadlines including an oral argument in the Massachusetts Appeals Court and filing an opposition to a petition for writ of mandamus in the Supreme Judicial Court. Additional time is needed to complete the memorandum.

In addition the petitioner's counsel has assented to the extension.

WHEREFOR the respondent respectfully moves this Court to enlarge the time for filing a memorandum of law in opposition to the petition to November 6, 2006.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL
/s/ Annette C. Benedetto
Annette C. Benedetto
Assistant Attorney General

**Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200
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CERTIFICATE OF CONSULTATION

I, Annette C. Benedetto, Assistant Attorney General, hereby certify that the petitioner's counsel has assented to the enlargement. See Rule 7.1(A)(1) of the Local Rules of the United States District Court of the District of Massachusetts.

**/s/ Annette C. Benedetto
Annette C. Benedetto
Assistant Attorney General**

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the Electronic Case Filing system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on the date set forth below.

Dated: October 20, 2006

**/s/ Annette C. Benedetto
Annette C. Benedetto**